

No. 22-13626-U

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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ANNA LANGE,  
Plaintiff-Appellee,

v.

HOUSTON COUNTY, GEORGIA, AND HOUSTON COUNTY  
SHERIFF CULLEN TALTON, IN HIS OFFICIAL CAPACITY,  
Defendants-Appellants.

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On Appeal from the United States District Court  
for the Middle District of Georgia  
No. 5:19-cv-00392-MTT

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**MOTION OF THE AMERICAN CIVIL LIBERTIES UNION, AMERICAN  
CIVIL LIBERTIES UNION OF FLORIDA, NATIONAL WOMEN'S LAW  
CENTER, AND PRIDE AT WORK, AFL-CIO, FOR LEAVE TO FILE EN  
BANC BRIEF AS AMICI CURIAE IN SUPPORT OF PLAINTIFF-  
APPELLEE AND IN FAVOR OF AFFIRMANCE**

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**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT**

Under Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 through 26.1-3, the National Women's Law Center, the American Civil Liberties Union Foundation, and the ACLU Foundation of Florida, counsel for amici curiae, certify their belief that the Certificate of Interested Persons filed with Defendants-Appellants' brief filed on September 30, 2024, is complete, subject to these amendments:

1. ACLU Foundation of Florida (Amicus Curiae for Plaintiff-Appellee);
2. American Civil Liberties Union Foundation (Amicus Curiae for Plaintiff-Appellee);
3. Joshua A. Block (Counsel for Amicus Curiae American Civil Liberties Union Foundation);
4. Gaylynn Burroughs (Counsel for Amicus Curiae National Women's Law Center ("NWLC"));
5. Anya Marino (Counsel for Amicus Curiae NWLC);
6. Caroline A. McNamara (Counsel for Amicus Curiae ACLU Foundation of Florida);
7. National Women's Law Center (Amicus Curiae for Plaintiff-Appellee);
8. Pride At Work, AFL-CIO (Amicus Curiae for Plaintiff-Appellee);

9. Rachel Smith (Counsel for Amicus Curiae NWLC);
10. Elizabeth E. Theran (Counsel for Amicus Curiae NWLC); and
11. Daniel B. Tilley (Counsel for Amicus Curiae ACLU Foundation of Florida).

American Civil Liberties Foundation, ACLU of Florida Foundation, National Women's Law Center, and Pride at Work, AFL-CIO, are nonprofit entities and have no parent corporations. No publicly owned corporation owns 10% or more of the stocks of any of these organizations.

s/Joshua A. Block

Attorney of record for Amici Curiae

**MOTION OF THE AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION OF FLORIDA, NATIONAL WOMEN'S LAW CENTER, AND PRIDE AT WORK, AFL-CIO, FOR LEAVE TO FILE BRIEF AS AMICI CURIAE IN SUPPORT OF PLAINTIFF-APPELLEE AND IN FAVOR OF AFFIRMANCE**

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The American Civil Liberties Union (“ACLU”), the ACLU of Florida, the National Women’s Law Center, and Pride At Work, AFL-CIO, move this Court for leave to file the attached proposed en banc brief of amici curiae in support of Plaintiff-Appellee, pursuant to 11th Cir. R. 35-8. All parties have consented to the filing of this brief.

**INTERESTS OF AMICI CURIAE**

The American Civil Liberties Union (“ACLU”) is a nationwide, nonprofit, nonpartisan organization dedicated to defending the principles of liberty and equality embodied in the Constitution. It has also participated as counsel or amicus curiae in a range of gender-justice cases in the U.S. Supreme Court, lower federal courts, and state courts. The American Civil Liberties Union of Florida Foundation (“ACLU of Florida”) is one of the ACLU’s statewide affiliates.

National Women’s Law Center (NWLC) fights for gender justice — in the courts, in public policy, and in our society — working across the issues that are central to the lives of women and girls. NWLC uses the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us — especially women of color,

LGBTQI+ people, and low-income women and families. Since its founding in 1972, NWLC has worked to advance workplace justice, income security, educational opportunities, and health and reproductive rights for women and girls and has participated as counsel or amicus curiae in a range of gender-justice cases in the U.S. Supreme Court, lower federal courts, and state courts.

All amici are dedicated to protecting the equal rights of LGBTQI+ people and have a strong interest in the proper interpretation of Title VII to ensure that transgender insurance beneficiaries have nondiscriminatory access to gender affirming medical care.

### **DESIRABILITY AND RELEVANCE OF THE BRIEF**

The brief is desirable and relevant to the disposition of the case because amici bring their extensive experience litigating gender-justice cases, including at the U.S. Supreme Court, to bear to explain why binding precedent requires that this Court affirm the district court's decision. The brief also explains why arguments that the panel dissent made in this matter, and which Defendants-Appellants make in their briefing, cannot be squared with Supreme Court precedent.

### **CONCLUSION**

Amici respectfully seek leave of Court to file the attached proposed en banc brief of amici curiae.

Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 428 words.

This motion complies with the typeface and type-style requirements of Fed. R. App. P. 32(a)(5) and 32(a)(6) and 11th Cir. R. 27-1 because it has been prepared in a proportionally spaced typeface using Microsoft Word 365 in Times New Roman 14 point.

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Dated: October 30, 2024

## CERTIFICATE OF SERVICE

I certify that on October 30, 2024, I electronically filed the foregoing motion in PDF format with the Clerk of Court via the appellate CM/ECF system. I certify that all counsel of record are registered CM/ECF users, and service will be accomplished via the appellate CM/ECF system.

s/ *Joshua A. Block*

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